



Auto Safety Group • Congress Watch • Energy Program • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

United States Senate
Washington, D.C. 20510

October 3, 2007

Dear Senator:

Public Citizen writes today to urge you to oppose the confirmation of Hans von Spakovsky as commissioner on the Federal Election Commission (FEC). Von Spakovsky has a long and demonstrated record of excessive partisanship and unfair acts toward political adversaries. This record makes him particularly unsuitable for appointment to an elections agency charged with ensuring fairness and inspiring confidence in what will inevitably be a very contentious 2008 election.

The unprecedented movement of von Spakovsky's nomination through the Senate Rules Committee without recommendation indicates just how much of a partisan lightening rod his appointment to the FEC has become. The FEC is already struggling to prove it can be even-handed in interpreting the law and settling partisan disputes. A vote allowing von Spakovsky to move from a temporary recess appointment by President Bush to a full-term commissioner would bode poorly for both the reputation of the FEC and the future integrity of our elections.

Von Spakovsky is, in fact, an extremist and a partisan. For many years, he helped to disenfranchise voters from election rolls, targeting mostly poor and minority voters who tend to vote Democratic. We would like to point to some of the following troubling aspects of his involvement:

- (1) **Georgia and Florida 2000.** A Republican appointee to the Fulton County Registration and Elections Board, von Spakovsky also joined the "Voting Integrity Project" (VIP). VIP was founded by a Republican party official and was dedicated to fighting what it labeled as "voter fraud." An article that von Spakovsky wrote for the Georgia Public Policy Foundation, a conservative research group, called for an aggressive campaign to "purge" the election rolls of felons. VIP ran with this idea and met with the company that designed the process for removing scores of voters from Florida's election rolls in 2000, a process that led to the mistaken disenfranchisement of mostly Democratic voters in Florida. During the Florida recount, he worked as a volunteer on the Bush campaign, and was quickly propelled to the Voting Section of the Department of Justice (DOJ) soon after. [Jeffrey Toobin, "Poll Position," *The New Yorker*, Sept. 20, 2004.]
- (2) **Texas 2003.** According to testimony submitted by six former DOJ officials who had worked under both Democratic and Republican administrations, von Spakovsky assumed unprecedented micro-management authority over the Civil Rights Division Voting Section, frequently clashing and over-riding decisions of the career staff. One such decision was to allow the highly partisan 2003 Texas redistricting plan promoted by former Rep. Tom DeLay (R-Texas) and other Republican party officials. The staff unanimously objected to pre-clearance of the mid-decade redistricting plan, but the

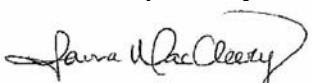
Voting Section management team, with von Spakovsky, over-ruled the staff. Subsequently, the plan was found by the U.S. Supreme Court to violate the rights of Latino voters. [Letter to Sen. Dianne Feinstein from six DOJ career professionals, June 12, 2007.]

- (3) **Arizona 2005.** Von Spakovsky sent a letter to state officials in Arizona incorrectly explaining that the Help America Vote Act (HAVA) required the state to demand proof of citizenship for voters to cast a provisional ballot. He even attempted to pressure officials of the Election Administration Commission (EAC) to agree with his incorrect interpretation, an interpretation which the EAC firmly rejected. Von Spakovsky later withdrew his letter to Arizona. [J. Gerald Hebert, "FEC Nominee Hans von Spakovsky: A Repeat Offender," Campaign Legal Center, June 12, 2007.]
- (4) **Anti-Voter Initiative 2005.** Under the leadership of von Spakovsky, DOJ filed lawsuits against seven states beginning in January 2005, demanding that they purge their election rolls. Elections officials in Alabama, Georgia, Indiana, Maine, Missouri, New Jersey and New York all faced considerable pressure to delete voter registrations under von Spakovsky's program. He essentially realigned the priorities of the National Voter Registration Act of 1993 from expanding voter registration opportunities to purging the election rolls. [Greg Gordon, "Voter Roll Purge Sparks Inquiry," *The Sacramento Bee*, June 5, 2007.]

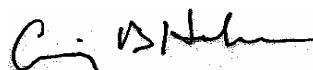
In addition to von Spakovsky's misguided efforts to disenfranchise mostly Democratic voters, he has also shown extreme disregard for the welfare of anyone who disagreed with him. In a story reminiscent of the recent, apparently partisan firings of seven U.S. attorneys, several long-term career staff in the DOJ's Voting Section under von Spakovsky have also been involuntarily reassigned or left their positions. According to a letter to Sen. Dianne Feinstein from six career attorneys in the Voting Section who are opposing von Spakovsky's nomination to the FEC, the Deputy Chief of the Civil Rights Division, who had 20 years of experience in the Voting Section, was involuntarily transferred out of the division without any explanation. Three other career professionals alleged that they left after enduring undue criticism and retaliation. In all, more than half of the Voting Section's attorneys left the Section under von Spakovsky's watch.

Hans von Spakovsky is not the type of elections officer who would inspire public confidence that our elections will be managed in a fair, nonpartisan way. There are many qualified individuals who could serve on the FEC who would not face such grave doubts about their partisan objectives and lack of judgment. We strongly urge you not to confirm the nomination of Hans von Spakovsky to the FEC.

Respectfully submitted,



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